

# Legislative Fiscal Bureau

## Fiscal Note

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SF 185 - Public Safety Judiciary Issues (LSB 1037 SV)

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Fiscal Note Version — New

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### **Description**

Senate File 185 relates to criminal law and procedure, including criminal offenses for arson, communications by an arrested person, and harassment.

### **Assumptions**

1. A six-month lag time will result from the law's effective date (July 1, 2003) to the date of first entry of affected offenders into the correctional system.
2. Section 2 of the Bill deals with harassment. In FY 2002, 1,290 persons were convicted of harassment; of which, most were simple misdemeanor offenses. The type of harassment was determined in 259 offenses. Based on the type of harassment in the 259 cases, simulated explosives or simulated incendiary devices make up approximately 1.5% of convictions or 19 per year.
3. Sections 3 through 5 of the Bill deal with the crime of arson. In FY 2002, there were over 900 meth labs and meth dumpsites found in Iowa. Approximately, 5.0% or 45 lab sites involved fires. Sections 3 through 5 of the Bill result in one new prison admission per year, which includes an average prison length of stay of 111 months at a cost of \$12 per day, an average length of probation and parole of 27 months at \$1.82 per day, \$3,500 for indigent defense costs, and court costs range from \$195 for a trial without a jury and \$2,200 with a jury.
4. Section 3 through 5 of the Bill will result in 6 additional convictions in FY 2004, 11 additional convictions in FY 2005, and 11 additional convictions in FY 2008 for Arson in the first, second, and third degree. These arson convictions will likely be for people already convicted of a Class B or Class C drug offense.
5. In FY 2008, one person will be admitted to community-based corrections.
6. Arson in the first degree is a forcible felony. The prison rate is assumed to be 100.0%. The imprisonment rates for a Class B drug offense is 79.0%. The imprisonment rate for a Class C drug offense is 32.0% and for a similar arson offense is 33.0%.
7. The average cost for one offender being sent to prison is \$47,000 over 11.5 years, which includes court costs, prison, and probation/parole.

### **Correctional Impact**

- The correctional impact for harassment in Section 2 of the Bill is not anticipated to be significant.
- The correctional impact for arson in Sections 3 through 5 of the Bill is anticipated to be one additional prison admission per year for Arson in the first degree. Conviction rates under these Sections would increase by 6 offenders in FY 2004, 11 offenders in FY 2005, and 11 offenders in FY 2008. However, most of these convictions are already being charged under current drug offenses, therefore, only one new prison admission per year would result for Arson in the first degree. By FY 2008, the prison population would increase by four offenders. There would be one new parole/probation admission starting in FY 2008 for these offenders.

## **Fiscal Impact**

The estimated General Fund fiscal impact for Sections 1, 2, and 6 of SF 185 is expected to be minimal. The estimated General Fund fiscal impact for Sections 3, 4, and 5 to send one new admission to prison each year would result in the following:

	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2008</u>
Dept. Of Corrections - Prisons	\$ 2,000	\$ 8,000	\$ 16,000
Indigent Defense	4,000	4,000	4,000
Judicial Branch	2,000	2,000	2,000
Community-Based Corrections	0	0	1,000
Total	<u>\$ 8,000</u>	<u>\$ 14,000</u>	<u>\$ 23,000</u>

The cost for one new conviction under SF 185 is \$47,000 over 11.5 years. This Bill will add one new conviction per year.

## **Sources**

Judicial Branch  
Department of Public Safety  
Department of Human Rights, Criminal and Juvenile Justice Planning  
Attorney General  
Department of Inspections and Appeals

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/s/ Dennis C Prouty

March 3, 2003

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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